

## ATTACHMENT II

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3694	:	
	:	
Examiner: Kirsten S. Apple	:	INTEGRATED INVESTMENT
	:	MANAGEMENT SYSTEM
	:	WITH NETWORK DATAFEED
Applicants: Stewart et al.	:	
	:	
	:	
Serial No.: 09/915,993	:	Confirmation No. 1119
	:	
	:	
Filing Date: July 26, 2001	:	

DECLARATION TO SUPPORT PATENTABILITY OF CLAIMED INVENTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

I, Robert S. Stewart, declare as follows:

1. I am over the age of eighteen and competent to make the present Declaration. I understand that I am making this Declaration in connection with the captioned patent application ("Subject Application").
2. I am President of InvestEdge, Inc. ("InvestEdge"), assignee of the entire right, title and interest in and to the Subject Application and the invention described and claimed therein ("Invention")
3. InvestEdge is assignee of the Subject Application by virtue of an

assignment from named inventors Robert S. Stewart and Roland E. Collins ("Inventors") to InvestEdge, which has been recorded with the United States Patent and Trademark Office at Reel 012374, Frame 0914.

4. I hold an MBA degree in Finance from Drexel University and have worked generally in the field of information technology since 1985. I have worked in the field of investment information management as a senior manager since 1990. I became a Chartered Financial Analyst in 1993 and managed the investment technology team at a large advisory firm (\$70 billion assets under management) until 2000 when I left and launched InvestEdge.

5. Prior to development of the Invention, I had performed extensive research in the investment software marketplace to find an application that could provide the various portfolio management functions of the Invention. I attended the annual Securities Industry Association Technology Exhibit – the largest assembly of investment technology vendors in the United States – for four years and discussed our portfolio management needs with at least eight of the most promising vendors without success in finding a suitable solution.

6. As I was unable to find a suitable portfolio management solution, during my employment at the large advisory firm, I formed a team to build an application with the features and functions of the Invention as claimed in the Subject Application.

7. The claimed Invention does not involve merely combining prior art elements according to known methods to yield predictable results. For example, the Invention does not focus on dollar cost averaging calculations for analyzing individual securities, but instead treats portfolios as whole entities for purposes of performing the various claimed features and functions of the Invention. One underlying premise of the claimed Invention is to perform

functions on portfolios and groups of portfolios (e.g., “portfolio analysis includes aggregating a plurality of securities in the investment portfolio by security type”). Embodiments of the Invention provide a combination of portfolio analysis, portfolio monitoring, trade calculation and reporting.

8. The claimed Invention does not involve use of known techniques to improve similar devices, methods or products in the same way, because there were no known techniques at the time the Invention was made that could have been utilized in designing and building the Invention. A common solution to the portfolio management automation problem at the time the Invention was made, and carrying through to the present day, is to perform transaction processing and accounting functions in order to have a database upon which portfolio management functions can be based. However, since many entities already have an accounting system, adding a second transaction posting and accounting system creates unnecessary duplication and reconciliation. The Invention is based, among other things, on loading portfolio holdings data from existing accounting systems of customers to create an overlay system that has the correct data upon which portfolio-level analytics and functions can be performed.

9. The claimed Invention does not involve choosing from a finite number of identified, predictable solutions with a reasonable expectation of success. Evidence that the claimed Invention is not “obvious to try” is illustrated by the lack of competitors in the investment technology space in which InvestEdge competes who can provide functionality similar to the Invention.

10. The claimed Invention does not involve known work in one field of endeavor prompting predictable variations in the same or a different field based on design

incentives or other market forces, because there were no known fields similar enough to portfolio management at the time the Invention was made that could provide a basis for variation. The Invention is not based on other scientific, mathematical or other concepts but was instead invented to solve specific problems, including automating various portfolio management functions.

11. The claimed invention does not arise from a teaching, suggestion, or motivation in the prior art that would have led one skilled in the art to modify or combine prior art references to arrive at the claimed invention. The portfolio management solutions that existed at the time the Invention was made utilized portfolio accounting structures. After studying the market for several years and trying to license the needed technology, the Inventors determined that the desired solution did not exist and then set out to build an application which is embodied as the claimed Invention.

12. InvestEdge produces a product called InvestEdge ASP that is provided as a service to large banks, brokers and advisors who manage high net-worth customer portfolios.

13. The InvestEdge ASP product has achieved considerable commercial success. For example, InvestEdge now has an estimated 12% market share in the bank/trust market and estimates \$7,000,000 in revenue for 2008 that will be derived from sales of the ASP product.


14. The InvestEdge ASP product has been constructed in accordance with the features and functions of the claimed Invention. The commercial success of the InvestEdge ASP product is directly attributable to the features of the claimed Invention.

15. The Invention satisfies a long felt, unresolved need, because target

customers continue to perform most of their portfolio management functions manually and have an unresolved need to improve their efficiency and effectiveness through the functions and features offered by the claimed Invention.

16. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Date: 5-1-08

  
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Robert S. Stewart  
President  
InvestEdge, Inc.